Florence Project Expands to Serve More Children

“We were about twenty-five meters from the United States border. Two robbers appeared with their faces covered and pistols. They took everything from us, one by one—dollars, pesos, everything. After, we crossed the border with nothing. Absolutely nothing.”

—child client

As the immigration debate intensifies nationwide, the Florence Project’s Detained Children’s Initiative has been quietly grappling with an ever increasing population of detained unaccompanied immigrant children. In July, we were told that 30 new beds would be added to the largest shelter holding unaccompanied children in Phoenix, increasing the total detention capacity in Arizona from 178 to 208 in one month. All signs point toward additional increases in the next several months, as Arizona continues to be a hub for apprehending and detaining children who have crossed the border without a parent or guardian. Nearly all of the children served are from Central American countries including El Salvador, Guatemala and Honduras, are monolingual Spanish speakers or speak indigenous languages, have a limited educational background and may have suffered abuse, abandonment or neglect in their home countries. While some of the children are released from custody to reunify with relatives and some remain in custody and fight their deportation in court, most are returned to their country of origin alone. None have a right to counsel at government expense and all would most likely appear alone in court if it weren’t for the Florence Project. So far this year, the Children’s Initiative has assisted 795 children.

When the federal government first systematically began apprehending unaccompanied immigrant children, it was under the auspices of the Immigration and Nationality Service and children were held in cells in county jails and detention centers. In the 2002 Homeland Security Act, Congress transferred responsibility and custody to the Division of Unaccompanied Children in the Office of Refugee Resettlement (ORR), charging ORR with doing a better job of holding children in the overlap between criminal and immigration law—known as “crim-imm”—is an area that has gained increasing national attention over the last several years. For instance, immigrants who are legally in the U.S. can be seriously affected by offenses as simple as misdemeanor shoplifting or possession of a marijuana pipe. Meanwhile, state and local law enforcement and criminal justice systems are forced to enforce and navigate new laws passed by states and municipalities that criminalize issues relating to immigration. Three years ago, recognizing this convergence, the Florence Project launched its Defending Immigrants Program (DIP), providing trainings and individual consults for Arizona defense attorneys, prosecutors, and judges on the immigration consequences of criminal convictions. For those of us in the “crim-imm” world, March-July 2010 will long be remembered for bringing some of the most dramatic legal developments in recent history.

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Criminalizing Immigrants: Senate Bill 1070 and Padilla v. Kentucky

The overlap between criminal and immigration law—known as “crim-imm”—is an area that has gained increasing national attention over the last several years. For instance, immigrants who are legally in the U.S. can be seriously affected by offenses as simple as misdemeanor shoplifting or possession of a marijuana pipe. Meanwhile, state and local law enforcement and criminal justice systems are forced to enforce and navigate new laws passed by states and municipalities that criminalize issues relating to immigration. Three years ago, recognizing this convergence, the Florence Project launched its Defending Immigrants Program (DIP), providing trainings and individual consults for Arizona defense attorneys, prosecutors, and judges on the immigration consequences of criminal convictions. For those of us in the “crim-imm” world, March-July 2010 will long be remembered for bringing some of the most dramatic legal developments in recent history.

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Musicians Raise Money for the Florence Project!

In response to the signing of Senate Bill 1070, musicians across the nation rallied their support for immigrant rights. The Sound Strike, led by Rage Against the Machine front man and activist Zack de la Rocha and Conor Oberst of the band Bright Eyes, is one such cause, organizing musicians to boycott Arizona and support grassroots work on behalf of immigrants targeted by enforcement actions and legislation like SB 1070. In July, Sound Strike hosted a historic benefit concert at the Hollywood Palladium in Los Angeles, where Rage Against the Machine reunited in their hometown after a decade, headlining a show that also featured Conor Oberst and the Mystic Valley Band. Additional funds are being raised online, where you can download an exclusive new release from Bright Eyes called “Coyote Song” with all proceeds going to the Florence Project. We are thrilled and honored by this support of our work and look forward to continuing to work with artists to protect the due process rights of immigrants and raise awareness about our clients.

To learn more visit www.soundstrike.net and look for the Sound Strike Songs.

Florence Project staff and friends at the Sound Strike benefit concert in Los Angeles.

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Paul was born in Mexico but was adopted by an American couple as a baby and brought to California. He grew up speaking English with a German last name. Sadly, Paul’s adoptive parents were physically abusive and never petitioned so their son could become a US citizen. At 17, he was taken from their custody by child protective services and went into the child welfare system as an undocumented immigrant. Around this time he also started displaying signs of schizophrenia. After aging out of the child welfare system, Paul became homeless. Years later, managing his symptoms and holding a steady job, he moved into a homeless shelter for working adults. There he met Martha, a U.S. Citizen. They fell in love and Paul proposed. They moved out of the shelter into their own apartment, helping pull each other out of homelessness. When they went to get married at the county courthouse, the clerk of the court told them Paul needed an ID before he could give them a marriage certificate. Believing an immigration petition that a community organization had filed for him several years earlier was sufficient to show he went through the system, Paul and Martha went to the local immigration office to ask for an ID. The computer system showed that Paul’s petition had been denied because he had missed an interview. ICE immediately took him into custody and sent him to the Eloy Detention Center in Arizona.

Many employees and friends of the Florence Project worked on Paul’s case over the two and a half years he was detained, helping him to adjust his status to a lawful permanent resident through his marriage to Martha. Challenges included working with Martha, Paul’s only contact on the outside, who suffers from mental health issues herself, lives out of state, and whose financial hardships worsened the longer Paul was detained.

Back in 2008, former Eloy Staff Attorney Eloy Garcia first met Paul and helped the couple marry at the Eloy Detention Center. Next, Social Services Coordinator Deborah Bergman filed a marriage petition for the couple under the guidance of Staff Attorney Tally Kingsnorth. Legal Director Kara Hartzler’s parents donated the mandatory filing fee, pro bono attorney Judy Flanagan donated funds to bring Martha from California for the interview, and Deb represented the couple and successfully overcame the presumption of fraud that applies to cases where the couples wed once one partner is already in immigration removal proceedings. After the petition was approved, Deb helped the couple compile the necessary evidence for Paul’s adjustment petition to the immigration court. As his final hearing drew closer, Florence Project staff donated money to bring Martha back to Arizona and put her up in a hotel. They also provided her with transportation so she could testify on Paul’s behalf. Other staff and summer interns provided support in Paul’s final hearings, and Tally drove him to the Greyhound station after he won his case and was released from custody in late July. Paul is now happily reunited with Martha in California, and is a Lawful Permanent Resident of the United States, the only country he’s ever called home.

Though the ending to his story is a happy one, Paul is an example of the devastating impact our immigration system, which does not provide attorneys to indigent people, can have on families. It also highlights the holistic and often unpredictable services the Florence Project provides to detainees every day. Because of his mental health issues and economic status, Paul would never have been able to win his case if it weren’t for the hard work and support of so many Florence Project staff.

**Letters to a Detainee**

**WWW.DETENTIONSTORIES.ORG**

Letters to a Detainee is a multimedia testimony project exploring the experiences of Arizonan’s impacted by immigration detention. An educational panel - open to the public - will be held at Arizona State University on October 28th in the Coor Building, Room L1-20 from 7 to 9pm, featuring excerpts from interviews with detainees and discussion with Florence Project Executive Director Lindsay Marshall, Victoria Lopez of the AZ ACLU, and Professor Paul Espinosa with the ASU School of Transborder Studies. A small book of testimonies will be available at the event and testimonies can also be heard at www.detentionstories.org.
By Staff Attorney Katie Ruhl

This spring we experienced a sudden influx of East African clients from Ethiopia and Somalia, who presented themselves at the Arizona border asking for asylum. I met with four asylum seekers, all of whom had passed their credible fear interviews, in the span of one week. Developing an asylum claim, particularly when language barriers are involved, takes an immense amount of resources, and the sudden influx of claims came as the Florence Project was short staffed. On top of this, the clients were not released from detention under new parole guidelines for asylum seekers, despite our advocating strongly for their release. With the help of Al Arpad of Fennemore Craig and Phil Higdon of Perkins Coie Brown & Bain, who coordinated and supervised pro-bono representation by attorneys in their firms, we were able to secure representation for all four East African asylum seekers in Florence, all four of whom were granted asylum! The attorneys at these two firms did an outstanding job preparing client testimony, communicating with family in several countries to secure supporting documentation, and addressing challenging legal issues as the cases progressed. I had the privilege of observing one of the client’s hearings. The Judge repeatedly complimented attorney Christie Hammerle for her outstanding work in preparing the claim, and for good reason. The mood in court was euphoric as her client pledged to make the most of his new chance at life, and I felt reminded of why I chose to do this work. We are grateful for, and inspired by, the zealous representation provided by our pro-bono counsel at Fennemore Craig and Perkins Coie Brown & Bain.

By Pro Bono Attorney Christie Hammerle, Perkins Coie Brown & Bain

When I learned about the story of “M,” a twenty-four-year-old refugee from Somalia, I felt a little overwhelmed. I had no previous experience with the complex maze of immigration laws, and the stakes were quite high: if M were to lose his application for asylum, he would be sent back to Somalia where he would almost certainly be killed. The Florence Project referred the case to us after M had been denied humanitarian parole -- forcing him to remain detained in one of Florence’s detention centers while his case was pending. M had fled from severe persecution based on his tribal affiliation, and had traveled to the United States through Ethiopia, Dubai, Russia, Cuba, Belize, Guatemala, and Mexico. He spoke very little English, and had not spoken to his family since fleeing with a smuggler who promised to take him to the United States where he could potentially start a new life for himself. M and I spent two months preparing for his hearing in front of the immigration judge. We drafted his declaration, prepared a legal brief arguing that asylum was appropriate relief in his case, and collected various documents that supported that members of M’s tribe faced nearly certain persecution in Somalia.

During the course of those two months, I could see M change from apprehensive to trusting, guarded to forthcoming, and nervous to confident. M told me during our last meeting before the hearing that he knew I probably would not remember how I had helped him, and that there was no way he could repay me, but that he would remember it always. M’s gratitude was so sincere and touching, and I did not want to let him down. When M was granted asylum after the hearing in front of the immigration judge, he could not stop shaking my hand. There were so many differences between us at that moment—cultural, linguistic, and situational—but at the same time, I felt so connected to him and the paths we had each taken that caused our lives to intersect. I cannot think of a time in my career that I have felt as fulfilled as I did that day. And despite what M said, I knew that I would never, ever forget him or his story.

If you would like to learn more about our pro bono program or schedule an informational lunch at your firm contact Tally Kingsnorth at tkingsnorth@firrp.org or 520-868-0191 ext. 113.
**INTERNET REFLECTION**

by Ben Harville

The state of Arizona has become “ground zero” for the immigration debate in this country. Senate Bill 1070 has made national and international news, and state and local politics increasingly involve heated discussions of border and immigration policy. While many are dismayed by Arizona’s growing reputation as an “anti-immigrant state,” this maelstrom of controversy ensures that right now, Arizona is probably the most interesting place to study immigration law, and the Florence Project is probably the perfect placement for a budding immigration attorney to undertake a summer internship. I am fortunate to say that I have been able to do both.

Before I started law school, I spent sixteen months performing border and immigration-related work as a delegation organizer for Borderlinks, a non-profit educational organization with offices in Tucson and Nogales, Mexico. I then enrolled in the JD program at the University of Arizona’s James E. Rogers College of Law, with plans to eventually become an immigration lawyer. Following my first year in law school, I was accepted for a position as a summer intern with the Florence Project. The summer internship is an important part of law school; the first chance for students to gain real world legal experience after an intense first year of classroom study. While most first year legal interns are not given large amounts of responsibility as part of their summer internships, Florence Project interns enjoy a uniquely high level of direct client contact and meaningful, intensive work.

Immigrants in removal proceedings are not afforded free legal counsel, an inequity that the Florence Project attempts to address. While this situation is lamentable, it also means interns get to work on important projects with high levels of responsibility. For example, during my three months on the Eloy team I was able to: conduct numerous intake interviews of recently detained immigrants, write two briefs for the Board of Immigration Appeals, assist several detainees with their applications for adjustment of status, and appear as co-counsel with staff attorney Tally Kingsnorth at an immigration bond hearing. The summer culminated with my successful representation, under the supervision of staff attorney Rachel Kling, of a Somali woman in her asylum hearing.

These types of experiences are not typically available for first-year interns. My summer showed me that the Florence Project is dedicated not only to addressing the needs of detained immigrants in Arizona, but also to training a new generation of compassionate, knowledgeable, and competent Arizona lawyers to meet the future needs of the immigrant community in our state. I was happy to be able to continue the Florence Project’s strong tradition of cooperation with the University of Arizona.

**CONTINUED FROM PAGE 1**

Florence Project Expands to Serve More Children

less punitive settings while they are prosecuted for removal by the Department of Homeland Security (DHS). Today, ORR operates a custody system of 1,996 beds across the country, contracting with private detention facilities, shelters, group homes, and foster care programs. Over 7,000 unaccompanied immigrant children are expected to be apprehended by DHS and placed in ORR custody this year. In Arizona, unaccompanied children are held in 2 shelters, 2 group homes and 1 long term foster care program and appear before the Phoenix Immigration Court on Monday and Friday mornings in a special juvenile docket.

In response to this expansion, the Florence Project’s Detained Children’s Initiative has grown more than fourfold in the last 10 years and in 2006 joined a national network of legal service organizations providing pro bono legal services to unaccompanied children overseen by the Vera Institute of Justice in New York City. The current team comprises of 2 staff attorneys, a legal assistant, a full time fellow funded by the Compton Foundation and part time assistance from the Florence Project’s pro bono coordinator and social services coordinator. In response to the latest bed expansion, we will be hiring an additional attorney and transitioning current staff attorney Sara Lofland into a new role of children’s pro bono mentor, focusing exclusively on providing support to pro bono attorneys in the community. The law firm Lewis & Roca has agreed to take more than 10 cases in the coming year.

The Children’s Initiative team provides child friendly “know your rights” presentations to all new arrival children every week. The presentations, in Spanish, are lively and interactive and incorporate role play and lots of questions. The team screens each child individually for legal relief from deportation and, if relief is available, one of the attorneys will represent the child or refer him or her to a pro bono attorney. Usually that relief comes in the form of a Special Immigrant Juvenile Status visa for a child who has suffered extreme abuse, abandonment or neglect by family members in their home country. The visa results in lawful permanent residency for the child who is positioned to live independently in the United States. The team refers children who are able to reunify with relatives to national pro bono attorney matching organizations if they are leaving Arizona and to the Steptoe and Johnson law firm’s children’s intake clinic if they are staying in Arizona.

Community support and awareness about our Detained Children’s Initiative is more important than ever. We are always in need of dedicated attorney and non attorney volunteers to assist with representation, translation, and various administrative and client support tasks. We also need your financial support as funding for direct services to indigent clients, even children, continues to be scarce. If you can’t donate at this time, consider inviting us speak to your friends, neighbors, church or community group about these children and our program. Whatever form it takes, your support will help us continue to assist this hidden and vulnerable population.
**New Staff**

The Project continues to thrive with new talent and energy. We’re happy to welcome the following new staff members into our family!

In July, CHRISTINA VILLEGEN join our staff as our new Florence legal assistant. Christina made the big move to Florence from New York City, where she worked as a Legal Advocate for the Bronx Public Defenders for three years, assisting and representing clients in the civil practice unit. Christina is a graduate of Williams College and has studied and worked in Quito, Ecuador and Cape Town, South Africa.

Also in July, we welcomed DORIEN EDIGER-SETO as our Compton Foundation Fellow with our Children’s Project. Dori graduated from Vassar College in May, majoring in Geography and Latin American Studies. She has experience working on immigrant rights issues in New York and on the Arizona-Mexico border, interning with the Florence Project in the summer of 2009, and co-authoring a report on conditions for children in Border Patrol custody.

In September, we welcomed three new law school graduates:

JESSICA ZWENG joins us as our new Florence staff attorney. Jess graduated in May from the University of California — Davis, where she worked in the immigration clinic under the supervision of former Florence Project staff attorneys. She also interned with our Florence team in the summer of 2009. Jess is a native of the bay area, most recently lived in Tanzania, rides horses and plays the accordion.

KATHERINE HYANG WOL DICK joins us as our new Florence staff attorney. Kate is a 2010 graduate of the University of California — Davis and worked in the immigration law clinic. Kate has a Masters of Religion from the Yale Divinity School and has interned with Mental Health Advocacy Services in Los Angeles and the U.S. Committee for Refugees and Immigrants in Washington, DC. She also served in the Peace Corps in Niger working on youth and community education initiatives. Her fellowship will focus on providing targeted pro se support and representation to asylum seekers and survivors of torture.

Last, but by no means least, LAURA BELOUS joins us on a two year fellowship funded by Equal Justice Works. Laura is a 2010 graduate of the University of Arizona James E. Rogers College of Law and also a former intern with the Florence Project. Before attending law school, Laura worked in radio, freelancing for NPR and Public Radio International on shows like This American Life. Laura is also an accomplished cellist. Her two year fellowship is focused on assisting detainees with mental health issues through pro se assistance, representation, community outreach and advocacy.

**Farewells and New Roles**

We’ve also been busy reshuffling the deck and shifting veteran staff members into new roles for new challenges and adventures. See if you can keep up!

This summer we bid farewell to pro bono coordinator NANCY ACEVEDO, who relocated to Los Angeles with her family. Former Eloy staff attorney TALLY KINGSNORTH has moved into the pro bono coordinator role, channeling her three years experience with the Project into recruiting and mentoring pro bono attorneys. The only one able to fill Tally’s big shoes at Eloy is former Florence staff attorney KATIE RUHL, who has moved to the Eloy team for a new scene.

This summer we also said goodbye to social services coordinator DEB BERGMAN, who also moved to Los Angeles to attend law school at Loyola University. Former Florence legal assistant CINDY SCHLOSSER has moved into the social services coordinator role and can be found criss-crossing the state assisting detainees in Eloy and Florence and children in Phoenix with social service needs.

Finally, with the expansion of our Children’s Project (see cover story), we will soon be hiring a new children’s staff attorney and current staff attorney SARA LOFLAND will move into the brand new role of Children’s Pro Bono Mentor where she will focus on supporting pro bono attorneys who take children’s cases.

**Arizona: No Roosters in the Desert**

Kara Hartzler Pens Play on Border Issues

When she’s not busy advising public defenders about the immigration consequences of convictions, carrying the torch for unadjusted refugees or pulling people off the bus to thwart wrongful deportations, Florence Project Criminal Immigration Consultant/Legal Director Kara Hartzler writes plays with international debuts. Kara, who holds an MFA from the University of Iowa, was commissioned by Borderlands Theater to write a play based on interviews of women migrants by Anna Ochoa O’Leary. The result is Arizona: No Roosters in the Desert, running October 7–24 at Zuzi Theater in Tucson and later in Chicago and Mexico City. For tickets and more information, visit Borderland’s website at www.borderlandstheater.org. Congratulations, Kara!
THE FLORENCE PROJECT RELIES ON THE GENEROUS SUPPORT OF INDIVIDUALS, CORPORATIONS, FAITH-BASED ORGANIZATIONS, FOUNDATIONS, AND LAW FIRMS IN ORDER TO PROVIDE ITS MULTITUDE OF LEGAL AND SOCIAL SERVICES.

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Torch of Justice Society

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Through a charitable bequest, you can:

• Help us provide free legal services to immigrants and refugees
• Possibly reduce the tax burden on your estate
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Please remember the Florence Immigrant & Refugee Rights Project in your will!
CONTINUED FROM PAGE 1...CRIMINALIZING IMMIGRANTS: SENATE BILL 1070 AND PADILLA V. KENTUCKY

Anyone who’s read the headlines over the past few months knows that this spring Arizona Governor Jan Brewer signed Senate Bill 1070, requiring state law enforcement to take steps to enforce federal immigration law and creating a number of state crimes that hinge on a person’s immigration status. While the injunction issued by the Arizona District Court on July 28th has presented a reprieve, the emotional and practical impact of the law has already resonated throughout the state. Florence Project staff have fielded questions from clients and seen relatives and friends not want to risk coming to visit a detainee or attend a court hearing for fear of being picked up and detained themselves. Within the legal community, the biggest immediate cry for help came from public defenders, knowing they would need to understand the new law and its impact on immigrant clients. Throughout the spring and summer DIP has prepared and presented extensive training seminars to defense attorneys to help attorneys better understand the new law and its impact on immigrant clients. Throughout the spring and summer DIP has prepared and presented extensive training seminars to defense attorneys to help attorneys better understand when non-citizens are culpable under the new law, since the question of whether someone is "legal" is more complicated than it seems. The work continues to steadily flow as we stand ready to deal with the aftermath if the law eventually goes into full effect, which will likely include an expanded detention population, more complicated cases, and more help to defense attorneys through DIP.

Lesser well known, on March 31st, the U.S. Supreme Court issued a watershed decision in the case of Padilla v. Kentucky. The case dealt with a long-term lawful permanent resident from Honduras who had been incorrectly assured by his criminal defense lawyer that he would not be deported for pleading to a crime. To prevent his deportation, he later sought to withdraw his guilty plea and took his case to the Supreme Court. The Supreme Court granted his case and held that, not only was the lawyer’s misadvice a violation of Padilla’s constitutional rights, but that all criminal defense attorneys have an affirmative duty to advise their clients about the specific immigration consequences of criminal convictions.

In the wake of Padilla, public defender offices across the country are scrambling to find ways to provide accurate advice on immigration law. Requests for trainings and consults have more than doubled since the decision. Although the increase is overwhelming on our single DIP attorney, we’re grateful the program was already in place at the time Padilla was issued – a fact that has made the impact of the decision much less jarring than in other states.

Given all of the events of the last few months, DIP and the Florence Project appreciate your support more than ever so we can continue to provide these much needed on the ground services to indigent immigrants.

How to Donate:

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P.O. BOX 654
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ABOUT THE FLORENCE PROJECT
The Florence Project’s work is carried out primarily through five programs: the Florence “Justice and Efficiency” Model, the Eloy Pro Se Model, the Detained Immigrant and Refugee Children’s Initiative, the Defending Immigrants Program, and the Integrated Social Services Program. As part of its direct legal services, the Project has created “Know Your Rights” videos and self-representation packets as an educational resource for non-profit service providers and detained people nationwide. Nationally, the Florence Project advocates for positive change in federal policies and practices towards those detained and it serves as a resource-development and training center for detention program “best practices.” The Florence Project undertakes its national advocacy through membership in the Detention Watch Network, a coalition of more than 100 nonprofit organizations that work with the 200,000 men, women, and children who are held in the U.S. annually as immigration detainees.

MISSION & VISION
The Florence Project provides and coordinates free legal services and related social services to indigent men, women, and unaccompanied children detained in Arizona for immigration removal proceedings. The Project strives to ensure that detained individuals have access to counsel, understand their rights under immigration law, and are treated fairly and humanely by our judicial system.

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